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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

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In the Matter of )  
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Amendment of 47 C.F.R. § 1.1200 ) GC Docket No. 95-21  
et seq. Concerning *Ex Parte* Presentations )  
in Commission Proceedings )

**MCI TELECOMMUNICATIONS CORPORATION'S  
COMMENTS ON PETITIONS FOR RECONSIDERATION**

Pursuant to section 1.429 of the Federal Communications Commission's (Commission's) rules and regulations, 47 C.F.R. §1.429, MCI Telecommunications Corporation (MCI), by its undersigned counsel, hereby files these comments in response to petitions for reconsideration with regard to the Commission's Report and Order in the above-referenced proceeding.<sup>1</sup>

The Telecommunications Act (the Act) provides that the Commission may promulgate rules and regulations and issue orders that are "necessary in the execution of its functions."<sup>2</sup> The Act further provides that the Commission may conduct its proceedings in a fashion that "will best conduce to the proper dispatch of business and to the ends of justice."<sup>3</sup> In the spirit of the Act, MCI submits these comments on petitions for reconsideration, which seriously impact the Commission's ability to perform those duties.

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<sup>1</sup>*Ex Parte Presentations in Commission Proceedings*, Report and Order, GC Docket No. 95-21, FCC 97-92 (rel. Mar. 19, 1997), 62 Fed. Reg. 15852 (Apr. 3, 1997) (Report and Order).

<sup>2</sup>47 U.S.C. § 4(i).

<sup>3</sup>*Id.*

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Specifically, MCI urges the Commission to deny any request to begin treating informal complaint proceedings as “restricted.” MCI also asks the Commission to reject all arguments that only consumers be able to invoke the Commission’s informal complaint process. Finally, MCI requests that the Commission grant requests to classify proceedings not specifically defined as “permit but disclose” or “exempt, ” as “permit but disclose” (rather than as “restricted”).

**I. THE COMMISSION SHOULD DENY LUKAS, McGOWAN, NACE & GUITIERREZ’s PETITION**

**A. The Commission Should Reject The Argument That Informal Complaint Proceedings Should Be “Restricted”**

Lukas, McGowan, Nace & Guitierrez (LMN&G) asks the Commission to classify informal complaint proceedings as “restricted” proceedings.<sup>4</sup> LMN&G also asks the Commission to clarify that the informal complaint process is unavailable to carriers vis a vis other carriers.<sup>5</sup> The Commission should deny both of LMN&G’s requests.

It would clearly be contrary to the public interest to classify informal complaint proceedings as “restricted.” To do so would eliminate the benefits that result when the Commission is able to assist parties in full airing and discussion of the subject of a dispute before triggering any restrictions on communications with the Commission. This process can eliminate the need to invoke the Commission’s limited resources in a formal complaint proceeding, and gives the parties and the Commission a realistic opportunity to resolve disputes at an early stage. This opportunity is almost always lost once a formal complaint has been filed.

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<sup>4</sup>LMN&G Petition at 4.

<sup>5</sup>*Id.*

It is beyond question that informal complaint proceedings are a valuable and useful tool for carriers and their customers. They are also a useful and efficient way for the Commission to participate in discussions between the parties, which can result in the resolution of a dispute. Attributing “restricted” status to informal complaints would adversely impact the flexibility that is inherent in the current informal complaint process, and the result would not be in the public’s best interests. As a result, the Commission should deny LMN&G’s request to treat informal complaint proceedings as restricted.

B. The Commission Should Reject LMN&G’s Argument That  
Only Consumers Can Invoke The Informal Complaint Process

LMN&G urges the Commission to order that the informal complaint process should be available only to a common carrier customer who wishes to raise claims associated with a carrier’s obligations to that customer.<sup>6</sup> The Commission should reject that proposal.

LMN&G cites no support for its argument that only consumers with claims against their carriers should be able to invoke the Commission’s informal complaint procedures. Disputes between carriers are no less deserving of the flexibility offered by the informal complaint process than are disputes between carriers and their customers. Additionally, adoption of LMN&G’s proposal would severely limit the Commission in the performance of its duty to encourage the proper dispatch of business and further the ends of justice.<sup>7</sup> As a result, the Commission should deny LMN&G’s request that carriers no longer be allowed to invoke the informal complaint process.

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<sup>6</sup>LMN&G Petition at 1, 7.

<sup>7</sup>See 47 U.S.C. § 4(I).

## II. THE COMMISSION SHOULD GRANT HOGAN & HARTONS's PETITION

Hogan & Hartson (H&H) urges the Commission to alter the new rules to make “permit but disclose” rather than “restricted” the default category for purposes of *ex parte* presentations.<sup>8</sup> MCI agrees that the public interest would be best served if H&H’s petition was granted.

It is clearly in the best interests of the public to have more (rather than less) access to Commission staff with respect to issues affecting the public interest. Thus, the default classification, whatever it is, should be the one that encourages communication between, and participation by, all parties that are affected by a Commission proceeding. While the default classification should also serve to protect parties by requiring public disclose when warranted, it should not classify proceedings as restricted unless there is good reason to do so.

Under no circumstances should the default classification have the effect of placing proceedings in the “restricted” category simply because they are not specifically included within the four corners of the definition of “exempt” or “permit but disclose” proceedings. Instead, the Commission should be required to make an affirmative decision that a particular proceeding should be treated as “restricted.”

Informal complaint proceedings should remain non-restricted. The rationale for that reasoned conclusion supports the position taken by H&H that the Commission implement rules that have as wide a non-restricted category as possible. The Commission should grant H&H’s Petition.

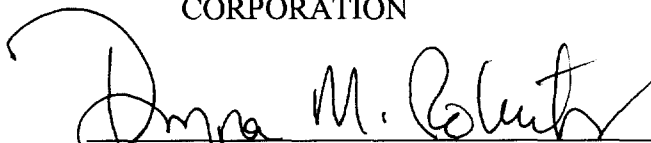
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<sup>8</sup>H&H Petition at 2.

WHEREFORE, for the foregoing reasons, MCI respectfully requests that the Commission deny LNM&G's petition and rule that carriers (as well as consumers) can continue to benefit from the informal complaint process, and that informal complaint proceedings should not be treated as "restricted." MCI further requests that the Commission grant H&H's petition that the default category for purposes of *ex parte* contact be the "permit but disclose" category rather than the "restricted" category.

Respectfully submitted,

MCI TELECOMMUNICATIONS  
CORPORATION

A handwritten signature in black ink, appearing to read "Donna M. Roberts", is written over a horizontal line.

Donna M. Roberts  
MCI Telecommunications Corporation  
1801 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006  
(202) 887-2017

Dated: June 4, 1997

## CERTIFICATE OF SERVICE

I, John E. Ferguson III, do hereby certify that copies of the foregoing Comments on  
Petitions for Reconsideration Concerning *Ex Parte* Presentations in Commission Proceedings  
were sent, on this 4th day of June, 1997, via first-class Mail, postage pre-paid, to the following:

Chairman Reed Hundt\*\*  
Federal Communications Commission  
1919 M Street, NW  
Room 814  
Washington, DC 20554

Commissioner James H. Quello\*\*  
Federal Communications Commission  
1919 M Street, NW  
Room 802  
Washington, DC 20554

Commissioner Rachelle B. Chong\*\*  
Federal Communications Commission  
1919 M Street, NW  
Room 844  
Washington, DC 20554

Commissioner Susan Ness\*\*  
Federal Communications Commission  
1919 M Street, NW  
Room 832  
Washington, DC 20554

William E. Kennard, General Counsel\*\*  
Office of the General Counsel  
Federal Communications Commission  
1919 M Street, NW  
Room 614  
Washington, DC 20554

Regina Keeney, Chief\*\*  
Common Carrier Bureau  
Federal Communications Commission  
1919 M Street, NW  
Room 500  
Washington, DC 20554

Dan Phytheon, Acting Chief\*\*  
Wireless Telecommunications Bureau  
Federal Communications Commission  
2025 M Street, NW  
Room 5002  
Washington, DC 20554

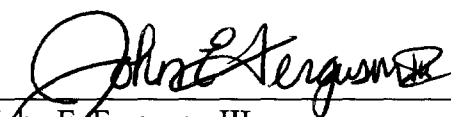
Byron F. Marchant, Esq.  
Chair-Elect  
Federal Communications Bar Assoc.  
1722 Eye Street, N.W., Suite 300  
Washington, DC 20006-3705

Elizabeth R. Sachs  
Marilyn S. Mense  
Lukas McGowan, Nace & Gutierrez  
1111 19th Street, N.W., 12th Floor  
Washington, DC 20036

David L. Sieradzki  
Eric H. Loeb  
Hogan & Hartson L.L.P.  
555 Thirteenth Street, N.W.  
Washington, DC 20554

ITS\*\*  
Federal Communications Commission  
1919 M Street, NW  
Room 246  
Washington, DC 20554

\*\*HAND DELIVERED

  
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John E. Ferguson III